

CITIZENSHIP PLURALISM: BETWEEN POLICY, PARADIGM AND LOCAL VALUE IN INDONESIA

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ABSTRACT

In many studies, citizenship has emerged as a major theme linking policy domains ranging from welfare, education, and labor related to cross-border, identity and migration. In turn of the main issues that develops is how the benefits of membership and the rights of citizens should be allocated and how the levels of civic identity can be understood and accommodated. Such issues are usually verified through the legal status that has been enacted and policies are carried out within a nation. However, the rise of political culture, amid the globalization of democracy has much influence the understanding of citizenship, which invites us to rethink the meaning of citizenship. This article tries to describe how the meaning of citizenship that led to the contestation of the paradigm of liberal and communitarian wrapped in a sense of identity. This research was conducted using qualitative method in the case of local government policies in Indonesia. The main case study on the management of street vendors in Surakarta, coupled with reviewing and comparing the two cases in Yogyakarta on land rights and in Bali about the profession of employment between immigrants and indigenous. This article shows that social boundaries are becoming frame of citizenship at the local level becomes a variable that is used by the local government to formulate a public policy. This article concludes that the value/local institutions are still the basis of the meaning of local government policy, while on the other hand the opposition on the pretext of liberalism has begun to emerge among intermediary and society.

Introduction

Relations of the state and citizens within the framework of citizenship, can be traced through public policy. One of them concerns the urban politics, such as how policy is made to a city development plan which involves various aspects of life of people who live in it. Not to mention both of these linkages between the city and the citizenship towards democracy. It was impossible to separate the city, democracy and citizenship of each other (Isin, 2002: 305). Departing from the experience of the West, the city government policy or visioning city as a policy must be sensitive to the diversity of the community to become more multicultural.

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In terms of visioning city, the concept of citizenship is used to indicate the political policies and practices that respect and celebrate the differences between people. For example, Canadian immigration in the 1970s had an effect on the diversity which then gives significant changes in physical form and character of the social, political and economic city through the design of policy at the time (Uyesugi and Shipley, 2005: 305). That means the city as a destination of the hopes and aspirations of individuals in fulfilling life requires governments to be more sensitive and responsive through policies that run. An individual is seen as citizens who are looking for life, while the government is a facilitator who has a program to build the city through visioning city. However, what if this turns out to be polemical in other countries, when the opposing two of these things? As an example of the policy of the Government of Surakarta.

On July 11, 2008, Joko Widodo as Mayor of Surakarta assign Surakarta City Regulation Number 3 of 2008 on the Management of street vendors (PKL). When examined further in the regulation, there are points that prohibits for street vendors who come from outside the city of Surakarta to come take advantage of the area. Surakarta City Government require their National Identity Card (KTP) Surakarta to obtain permission to conduct business in the city of Surakarta. Therefore, why it is interesting to study? First, since the enactment in 2008 until last few years, the law does continue to experience criticism from various parties to be revised including the National Human Rights Commission of Indonesia in Jakarta (Kompas, 2010; Solopos, 2011; Tribun Jogja, 2011; Viva, 2013). According to them, the policy is highly discriminatory and violates the Indonesian Constitution (UUD 1945). Second, the theoretical level, these cases can be the first step to understanding meaning of citizenship in Indonesia. Third, it turned out that such cases have also occurred in several other regions in Indonesia. Therefore, this article identifies some common tasks. In the beginning of plot, briefly outlining the citizenship discourse. Second, analyze the policy related to the city visioning and human rights. Third, as a comparison, this article reviewing similar cases in Yogyakarta and Bali. Lastly, this article offers some simple theoretical concepts in creating pluralism citizenship within the framework of the institutionalization of democracy in Indonesia.

Methodology

By using the "discourse of ideology" This research analyzes the paradigm of citizenship in local politics in Indonesia. Ideological discourse between liberalism and communalism are very relevant to look at the case in this paper and compared with the design of policies issued by other local governments in Indonesia. Surakarta, Yogyakarta and Bali would be a hint to conclude citizenship practices with these two theoretical debate.

Theoretical Framework

In many studies, nationality has emerged as a major theme linking policy domains, ranging from welfare, education, and labor associated with cross-border and migration (Isin and Turner, 2002: 4). Isin and Turner mentions that it is concerned with three main issues. Firstly, how to define the boundaries of membership in the nation state as well as between countries. Second, how benefits and membership rights of citizens should be allocated. Third, how the levels of civic identity must be understood and accommodated. Such issues are usually verified through the legal status of which has been enacted in a country. However, the rise of political culture has a lot to influence the understanding of identity that invites us to rethink the meaning of citizenship.

We can say that citizenship is a concept that has been around since the days of Athenian democracy and the Roman Republic until the days of global democracy today. Due to the simple definition can be interpreted as the status of membership in a country, the dynamics of social change and transition regime that persists in many countries make citizenship always interesting to study. Characters and the regime transition affects how citizenship is defined both by the state and their own community. Citizenship continues to reproduction in any transition from the regime, for example, from authoritarian to democracy (Isin and Turner, 2002: 4; Bauböck, 2006: 15). In the period of the decline of democracy, the concept has often been reduced to a formal legal status with certain

rights or obligations imposed by political authorities. In relation to democracy, Penny Enslin in a simple yet comprehensive mention of citizenship: (1) provides the status of membership to individuals in a political unit; (2) confers on the identity of the individual; (3) a set of values, usually interpreted as a commitment to the common good in a particular political unit; (4) involves the practice of the level of participation in political life; and (5) means obtaining and using knowledge and understanding of the law, documents, structures, and processes of governance (Abowitz and Harnish, 2006: 653).

Regarding the development of citizenship, the best summary may refer to the writings of Thomas Humphrey Marshall in 1949 in the "Citizenship and Social Class" which mentions a key element of citizenship historically: first, during the 18th century, property rights have been recognized so as to form civil citizenship; second, entered the 19th century, more and more individuals are allowed to vote, so the political right to grow (political citizenship); Finally, in the 20th century, the welfare of the individual and then developed into a social citizenship (Marshall, 2009). Civil element is composed of the rights necessary for individual freedom or liberty of the person, freedom of speech, thought and belief, the right to private property and to decide on legal contracts, and the right to justice. Political elements namely the right to participate in running the political power, as a member of the inner political authority or as a voter. While the social element that is throughout the whole series of rights to the economic prosperity and security and the right of inheritance entirely in the social (eg, education, employment and social services), to live the life of a civilized (Marshall, 2009: 108-9).

Marshall explanation indicates that the rights of citizens and community groups are very important in a country, so that in its development, became the basis of the analysis of two traditions citizenship. These two things are the liberal paradigm (rights-based) and paradigms associated with communitarian / group (based on collectivity). There is also a republican citizenship approach with an emphasis on identity as citizens. However, in some studies the model of communitarianism included within republicanism or vice versa. Given the many concepts (models and approaches) citizenship may intersect, the two concepts of liberalism and communitarianism will anchor the main understand the logic of citizenship, related to the case in this paper. The conclusion of the results of such depictions, actually can be used as a reference descriptors of the meaning of citizenship in Indonesia. However, due to the extensive and complex study of liberalism and communitarianism then this article will not elaborate on the concept completely.

Liberalism and communitarianism are two concepts that are ideologically fight each other in the realm of politics whatsoever. This is due to liberal base that rests on individual autonomy while communitarianism base rests on collectivity. In studies of referral citizenship known and most often used to affiliate two liberal and communitarian paradigm is the work of John Rawls and Amitai Etzioni. In liberalism, individual autonomy is the main point where each individual has full autonomy over itself as a precondition of freedom to act. As one of powerful discourse force in shaping the meaning of citizenship, liberalism priority to the rights of individuals to establish, revise, and pursue their own definition of the good life within certain limits imposed to respect and consider the rights of others. With a base of individual rights that it focuses on the concept of equality or the ability of all people, especially those who are historically marginalized and oppressed to fully implement their freedom in society (Abowitz and Harnish, 2006: 661). In conclusion, the right is the main concern being the emphasis view of liberalism towards citizenship.

Instead, communitarianism is often contrasted with liberalism. In the communitarian discourse, the collectivity is the main base with the idea that humans as social beings tend to live in the community (zon politikon). Communitarianism emphasizes community, whose main objective is to build cohesiveness and only function in society (Isin and Turner, 2002: 3-4). The main concern of many communitarian theories is the effectiveness and functioning of communities through mutual support in the action group and not the individual's freedom so that the good society can be built (Janoski and Gran, 2002: 19). Communitarian examining ways shared conception of the good (value) is formed, transmitted, justified, and enforced which is very different from the base of the individual as the basic value (Putri, 2012: 24). The obligation in the community is the main objective that often

dominate the individual rights that awakened a strong community based on a common identity, the same territorial, solidarity, participation, integration, similar interests, or values are glue the individual as a community.

Some philosophers from the beginning it has put forward a number of explanations regarding collective rights, among others, Joseph Raz who said that basically there is the so-called collective rights while Larry May and Frances Svensson tried to ask the same thing about the importance of group holds rights (Kukathas, 2012: 577-8). If liberalism make the rights as a major concern, then communitarianism use belongingness as the main logic. In addition, if liberalism exalts equal rights, then communitarianism considers social stratification is a necessity so as to make it difficult for equal rights. The concept of communitarianism regard community as capital to engage actively in order to fight for their rights together.

Will Kymlicka (2001: 18-9) then summarizes the liberal-communitarian the debate which he said is something that has been long in political philosophy. In a simple the debate basically revolves around the priority of individual freedom. Liberals insist that individuals should be free to determine their own conceptions of the good life, and welcomes the release of the individual as a status that is considered legacy or preexists. Liberals argue that individuals are morally there before the community: the community is important only because it contributes to the welfare of the individuals who forming society. While communitarianism refute the notion of individual autonomy. Communitarian view of society as "embedded" in a particular social role. We are embedded does not create and revise the public conception of the good life, but a way of life inherited a society that defines goodness for individuals. Instead of looking at the group practice as the product of individual choice, communitarian view the individual as a product of social practices. Communitarianism aims to create a healthy community, maintaining a balance between individual choice and protection of communal life, and trying to limit the extent to which individuals may erode the interests of the community.

Ideological discourse above is very relevant to look at the case in this paper. Design policies issued by the government of Surakarta can be analyzed from two of the theoretical debate. However, it should presumably to explain a very interesting paper written by Vegitya Ramadhani Putri (2012) entitled "Denizenship: Contestation and Hybridization Ideology in Indonesia". Putri explained that Indonesia has a unique model of citizenship, which combine liberal into the context of communitarianism. In sum, the character models of citizenship in Indonesia is the workings of ideology to fight each other and generate hybridization which she then called a denizenship model. Hybridization occurs because the meaning of the power relation between the state and citizens affected by the paradigm of liberal while on the other hand have to deal with the context of communality in society so that, in turn, political choices are taken into dilemma and inconsistent with liberal orientation itself (Putri, 2012).

Result and Discussion

a. On Policy: The Approval and Opposition

Surakarta City Government's commitment in the reign held by Joko Widodo and FX Hadi Rudyatmo the tenure of 2005-2010 was raised a city beautification program as the grand designs of regional development policy (visioning city). This concept underlying the policy in regulating street vendors. Head of Market Management Surakarta, said Joko Widodo and FX Hadi Rudyatmo assume Surakarta has the potential socio-cultural heritage and strong so that the program will revitalize the city's beautification almost all the assets of historical and cultural relics in the city of Surakarta. Therefore, the presence of street vendors around the assets that already existed before the issuance of the regulation is clearly clash with city beautification program.

From the results of research in the field revealed that the reason behind the issuance of the regulation based on four aspects. First, from the economic aspect, that PKL is a chain of economic activity in Surakarta which must be afforded protection from the government. Second, the political aspect, that street vendors as part of the community has the potential conflicts. This can occur if the

vendors themselves hogging the sidewalk or the specific place where the residents of other cities have the right in its use. Therefore, the government must anticipate that does not happen so by using its authority. The third socio-cultural aspects, that street vendors can be used as a mosaic of a city as well as the interaction among residents to meet their individual interests. Its potential to serve as a mosaic or a mascot of the city it is considered necessary by the government of Surakarta to organize the street vendors. What else Surakarta position as a tourist destination. Fourth, other aspects of the arguments set out the need to perform spatial arrangement better, cleaner, safer accordance spirit of visioning city. Based on the fourth aspect, the government of Surakarta is considered necessary to issue regulations. From interviews also revealed that in the formulation of the policy, the government of Surakarta public hearings involving street vendors, academics, NGOs and groups concerned street vendors and law enforcement officials, legislators and other stakeholders. However, in the discussion in the local parliament (DPRD) had several times delayed due to some of the contentious points. DPRD Surakarta based on the aspirations of the street vendors suggested that the points should Surakarta ID cards (KTP) are not included into the draft law.

Related to the content of Regulation No. 3 of 2008 the spotlight is on article 6, paragraph 3 points (a), where the requirement to obtain permission by submitting a written request to the Mayor who must attach Identity Card (KTP) Surakarta which is still valid. In addition, in Article 16, paragraph 1, which reads "Any person who violates the provisions of Article 5, Article 6, paragraph (1), Article 9 and Article 10 in the Regulation be subjected to imprisonment for a maximum 3 (three) months and / or a fine of up to five million rupiah." This case to the attention of many parties. One of the institutions that are criticized by Human Rights Commission. They say that the obligation of street vendors ID cards of Surakarta it is discriminatory and in violation of national law (UUD 1945) which is higher than local regulation. So it is also with a number of residents who are members of the Alliance of Street Vendors Surakarta (Aliansi Pedagang Kaki Lima Surakarta) demanded discriminatory regulation be revised.

b. How to Discuss the Policy?

As previously discussed two major currents in understanding the views of citizenship that liberalism and communitarianism. Two currents that view into the entrance in describing the position of of Surakarta City Regulation Number 3 of 2008 on street vendors. The argument of the Head of Market Management related to the issuance of the regulation, the motivation is more likely how the Government of Surakarta carrying the spirit of protection for the people of Surakarta itself.

The policy is in line with the Levy's view (in Kukathas, 2012: 577-8) departing from the argument about the importance of getting the community more rights than in the community outside entities. The view was reiterated that a prerequisite for certain communities to take actions that guarantee the fundamental rights of its members, even by relying on a regulatory instrument (state). Though actually state should position itself in the neutral zone as the elaboration of the ideals of the early establishment of a state itself. But being biased when the state is moving in the will of certain groups.

The requirement for ID cards Surakarta is a manifestation of the communitarian spirit in which the pedestal consideration is the right group of the citizens of Surakarta. Inclusion of ID cards in the regulation confirms that the Indonesian citizen not have ID cards of Surakarta do not have equal access to economic activities. In the communitarian view, this is a form of enforcement of the right to enforce rules out group of by restricting certain groups to broadly that have been claimed as belonging to its group, as well as the right to enforce their own rules into group. This concept is also commonly known as positive discrimination or affirmative action.

And then how do we see the case of street vendors in Surakarta? If we refer to Marshall and Rawls views the position of Surakarta local government, should be laid out as the institution most responsible for the enforcement of rights. Lead agency is expected to obey and submit to the constitution. As with the demands of the 1945 Constitution article 27 paragraph 2, Article 28D Paragraph 2, Article 28E paragraph 1, paal 28H Paragraph 2, and Article 28I paragraph 2, which guarantees citizens' rights to livelihood and decent work within the scope of the Homeland without discrimination.

However, on behalf of visioning city, state has been ejecting people of non-Surakarta to economic activities. This policy is logical to think with reason communitarian can lead to debate. The problem lies in whether the economic activity in the region Surakarta only belongs to the people of Surakarta? What about the constitutional guarantee of the State? What if every regions, applying the same thing? In conclusion, how the minority rights with regard to the basic principles of democracy, such as freedom of the individual, social and economic equality, and citizenship? Here contestation liberal paradigm with communitarian occur. If Vegitya R. Putri conclude that at the central level, there is the reason liberal policy maker (state), and reason communitarian life in the community then in this case, quite the contrary. At the local level it turns woke citizenship construction in the two reason that differ between countries with citizens.

c. Similar Cases: Bali and Yogyakarta

The case of Ajeg Bali is another example of the problem of resistance between migrants and indigenous in local politics in Indonesia. The room that gave birth to how citizenship should be interpreted in a strict barrier by pulling the historical issues, economic and indigenous sovereignty. Bali's position as a tourist area certainly has the opportunity and the economic benefits promised for anyone to explore, not to mention the diversity of culture because the number of migrants has its own value in the understanding of citizenship in Bali. In short, in this case, the phenomenon of citizenship not only in the towns but as well in the village.

If we look at Martin Ramstedt (2011) article that sheds light on how Bali people interpret revisit the Bali norms on democratization period. We found the reviews to help explain the issue of citizenship (fulfillment of basic rights) are indisputable when in sub-regions of the country. Including Warren Carrol (2010) article that explains the concept of citizenship and shared prosperity in Balinese society. He's also a lot of talk about the Balinese identity and how this identity work in the structure of the Balinese community that surrounds the political-economic activities and attitudes towards immigrants. With all the efforts, including establishing Pakraman Village who runs the local laws are independent (indigenous) and autonomous reinforced by Bali Provincial Regulation No. 3/2001 which was later revised to Bali Provincial Regulation No. 3/2003. In conclusion, The struggle of economic resources is the entrance to explain how resistance fellow citizens may occur in Bali. The defeat and the removal of the Balinese people in their own land by migrants in the New Order led to awareness of Balinese identity and by itself found its momentum to be raised.

Based on its own sovereignty by Pakraman Village, it was found that in some Pakraman Village not open access for migrants (Indonesian citizen) to undertake economic activity and is domiciled in the territory of the Pakraman Village (Ramstedt, 2011: 66). That is, what we imagine that citizens may freely engage in economic activities that did not happen in the smaller regions in the country. On the other hand, guarantees Law of 1945 Constitution for citizens to choose a job and a place to stay in the territory of this country indisputable and even no power at all when it entered into Pakraman Village. This is just one example of the issue of citizenship in the community that is multicultural, side by side with the spirit of identity grows and develops.

Besides the case of Bali, in Yogyakarta, Head of the Region Instruction No. K.898 / I / A / 1975 on the Unification Policy Provision of Land Rights to A citizen Non Natives reflect the same thing. The appropriate Instruction 898/1975, citizens of Chinese descent in Yogyakarta City can not have land titles. Citizens of Chinese descent were only given Right to Build, Right of Use and leasehold. In a study conducted by Hendras Budi Pamungkas (2006) and Fredy Haryanto Subagijo (2012), it can be concluded that the policy of land taken by the government of Yogyakarta and Land Office Yogyakarta, although after the release of the Citizenship Law regarding land services still refers to such Instruction. Both researchers said this practice continues despite the implementation of Instruction 898/1975 if the terms of the sort order legislation, the principle of preference law and legal developments, should be irrelevant and discriminatory tendency. Based on the search field, the policy is still valid until today.

Supposedly every Indonesian citizens can have property rights over land, regardless of ethnic origin and race. But in Yogyakarta government policy, it is becoming limited. In fact, until now the

policy was never revoked and remains a legal basis in the land in Yogyakarta province. Applicability Instruction of Governor of Yogyakarta Special Region No. K.898 / I / A / 1975 means distinguishing rights and obligations between people born as an Indonesian citizen indigenous to the person who is the citizen of Indonesian descent. Pros and cons of the implementation of the land policy is associated with parties that support on the grounds that the existing policy is a form of affirmative action for indigenous people of Yogyakarta. While those who oppose this policy has more reason that amplifies, including misuse of the Basic Agrarian Law (UU Pokok Agraria) to the region of Yogyakarta, the Citizenship Law, and Human Rights (Puri, 2013: 177).

The problems of this case would also deals with the issue of identity. Identity and diversity in the question of what it means for us as individuals and as members of society within the framework of citizenship. Not only debate on the state of reason vis-à-vis the public reason, but also in the struggle as citizens of "what kind" polemic meaning of citizenship at the local level in Indonesia.

d. Building a Citizenship Pluralism

Study of citizenship is about generating tools and theoretical analysis which can be used to overcome injustice with depth, sensitivity, scope and commitment required and feasible earned by citizen (Isin and Turner, 2002: 3). Therefore, the case of regulation in Surakarta along with cases that occurred in Bali and Yogyakarta give the big question, what the implications for institutionalization of democracy. Institutionalization of democracy this can be done through pluralism. This is not a simple question, for talking about citizenship, it can refer to a wide range of ideas, concepts, and values. More precisely talking about the disintegration, fragmentation or degradation of citizenship. This can reveal a number of implications of different political concerns ranging from concerns about the restrictions on the rights of individuals to the conflict. For that, we need to think collectively concrete measures to prevent such concerns in order to enforce the stability of democracy. For example, at the individual level, the form of identity and citizenship of the individual will have an impact on their motivation to participate in activities of social virtues such as political participation.

This article propose some suggestions and measures in establishing the pluralism of citizenship which is useful for the stability of democracy. Citizenship Pluralism is not only dependent on the fairness of state institutions, but also on the quality and attitude of its citizens. For example: a sense of identity and how citizens view the form of national identity, regional, ethnic, or religious; their ability to tolerate and work together with others who are different from themselves; their desire to participate in the political process in order to promote both public authorities and political accountability; their willingness to show restraint and to run personal responsibility in their economic demands; the personal choices that affect their environment; and a sense of fairness and a commitment to a fair distribution of resources.

The suggestions above may sound cliché. However, with the efforts of speaking publicly on a regular basis it will build a cultural reproduction. To create a democratic habitus requires an effort of cultural reproduction, as theorized by Pierre Bourdieu. The main idea of the cultural reproduction pedagogical activities through family, school, or friendship (relationships in a social setting) so building a disposition of individuals and community groups (habitus) which in turn affects the reproductive structures (Bourdieu, 2003: 173-4).

This article does not include measures that should be implemented by state institutions, such as the Local Government with the design of policies. The assumption is simply that political actors are behind state institutions are the citizens themselves. If the quality of citizens expected as mentioned above goes well then by itself public policy issued by state institutions would be in line with the principles of pluralist citizenship. This means that political actors (as well as citizens) is an agent of social and political change that creates democratic institutions of the country. Besides these countries had originally upheld the citizenship pluralism through the 1945 Constitution in the overall article 27 and 28. Only the elite actors and governments in local politics that do not enforce and consistent with the rights of citizens contained in the constitution.

In short, we live in a diverse and complex world in which we still share similarities and differences where citizenship as a concept that encompasses the relevance of the world need to include the

diversity and complexity. A debate on the concept of citizenship will encourage dialogue between citizens regardless of whether they see themselves as members of a minority or a majority on the level of everyday life. Thus, the restriction can be transcended and exclusion can be prevented.

Conclusion

Product and form of regulation and policy of local governments in Indonesia necessitates sharp and serious segregation when confronted with the concept of citizenship, understood as the right of every citizen. Regulations that emphasize on who the person of Surakarta, and not of Surakarta, Balinese and not the Balinese, or indigenous and descendants. Which means that the space should be available for anyone "multi" then become the property of certain "mono". If the reasons for regarding the visioning city as a starting point for managing the city, it does not mean vendors from outside of Surakarta must be removed. As similar cases that occurred in Balinese and Yogyakarta, with the prohibition to conduct economic activity and land rights is tantamount strengthen the sentiment of identity are highly vulnerable to conflict.

Street vendors policy cases in Surakarta as well as in Yogyakarta and Bali gives us the conclusion that the state institutions at the local level has a different reason to the constitution at the central level. Countries at the local level assume the rights or benefits based on membership in the ascriptive groups. To some extent this can be seen as inherently discriminatory, violates the higher constitution which would create the first-class citizens and second class citizens. This is closely related to the interpretation of citizenship based on questions of identity, culture, ownership, diversification, social life, as well as public spaces where the entirety interpreted as limited.

Indonesian citizenship in the local sphere can be understood through a communal perspective. Local values rooted since the first enable it to survive and actualized in political decisions in the era of democracy today. Communitarian conception is always challenging liberalism. Because communitarians insist that "we can't justify the political arrangements without reference to a common purpose and common good, and we can't conceive of individual choice without reference to the role as a participant in a common life". In short, the meaning of citizenship is a concept that formed over time and through a process of struggle for political culture. Of course, with the habituation of democracy as a process of cultural reproduction in everyday political life. In the early stages Indonesia needs to bring citizenship pluralism in the attitude of its citizens.

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